

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,  
Plaintiff,

NO. Cr. S-04-0407 WBS

v.  
TONY MINH TRINH,  
Defendant.

ORDER

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Defendant has filed a Motion to Amend that aspect of the Judgment dealing with the court's recommendation to the Bureau of Prisons. In the motion, defendant mistakenly assumes that it was the court's intention that he serve the last six months of the 15 month sentence in home detention. That was not the court's intention.

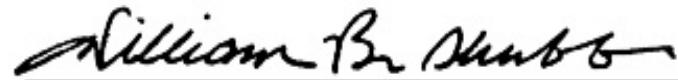
In the Presentence Report, the Probation Officer recommended a sentence of probation with a condition of six months home detention. The court disagreed with that recommendation. Instead, the court determined that a sentence of 15 months, which happened to be at the bottom of the applicable guidelines, was the length of time sufficient, but not greater

1 than necessary, to comply with the purposes set forth in 18  
2 U.S.C. § 3553(a)(2).

3           Where, and under what conditions, defendant serves the  
4 last six months of his sentence is entirely up to the Bureau of  
5 Prisons. The court makes no recommendation, nor did it intend to  
6 make any recommendation, as to what determination the Bureau of  
7 Prisons should make regarding defendant's transition back into  
8 society.

9           IT IS THEREFORE ORDERED that defendant's motion to  
10 amend the judgment be, and the same hereby is, DENIED.

11 DATED: June 13, 2006

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14 WILLIAM B. SHUBB  
15 UNITED STATES DISTRICT JUDGE  
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